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Due Date: December 2, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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OFFICIAL

In re Application of: )

Inventor: William J. Dhimitri et al. )

Serial No: 09/589,049 )

Filed: June 6, 2000 )

Title: DYNAMIC POSITIONING AND  
ALIGNMENT AIDS FOR SHAPE  
OBJECTS )

Examiner: Motilewa Good Johnson

Group Art Unit: 2672

APPEAL NO.: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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on December 2, 2003.By: *Jason S. Feldman*  
Name: Jason S. Feldman

## BRIEF OF APPELLANTS

## MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated July 2, 2003.

Please charge the amount of \$330 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No. 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

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I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-18 are pending in the application.

Claim 5 is rejected under 35 U.S.C. §112 as being indefinite.

Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Arsenault, et al., U.S. Patent No. 5,894,310 (Arsenault).

These rejections are being appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the Office Action.

V. SUMMARY OF THE INVENTION

Independent claims 1, 7, and 13 are generally related to the placement/positioning of objects in a drawing program (see page 2, lines 9-11). Initially, two objects are displayed on a monitor (see page 23, lines 4-7). One of the objects (referred to as the first object) is then positioned proximate to the other object (i.e., referred to as the second object) (see page 23, lines 8-9).

In drawing programs, plugs and sockets enable geometric and logical connections between objects. Plugs enable one side of the connection and sockets enable the other side. (See page 12, lines 5-11). Once the first object is positioned proximate to the second object, the appearance of a plug on the first object changes (i.e., the plug is displayed) (see page 16, lines 11-18; page 18, lines 13-17; and page 23, lines 10-12).

In the prior art, a user may move a first object proximate to a second object. However, the first or second object may not have the appropriate plugs or sockets. Without either a plug and/or a socket, the objects could not be coupled together (see page 19 lines 8-13). In the present

invention, when the plug on the first object is placed proximate to the second object, a socket is dynamically created. In other words, a socket, that was not on the second shape prior to proximate placement, is created once a plug is moved near the shape. (see page 19, line 7-page 21, line 13; page 23, lines 13-15). Thus, the present invention allows the creation, on-demand, of a socket at any location on a shape object to allow another shape object with an appropriate plug to couple to the socket. The sockets are dynamic in that they are created on-demand, and may also be removed when no more plugs are plugged into them (see page 19, lines 14-17). The claims also provide for the timing element that determines when the dynamic creation occurs, namely, when the first object is moved proximate to the second object.

Once the socket is dynamically created, the second object and first object are automatically coupled at the attachment point (i.e., at the location of the plug and socket) (see page 23, lines 16-17). Accordingly, the socket is not predefined but is instead created dynamically when objects are moved near each other.

Dependent claims 2, 8, and 14 provide that the appearance of the second object changes when the type of plug on the first object does not match the type of socket on the second object (see page 17, lines 8-16).

Dependent claims 3, 9, and 15 provide for positioning the object for proper alignment. Specifically, when the two objects are automatically coupled, the first object is positioned such that the plug and socket are aligned. (See page 18, line 18-page 19, line 2).

Dependent claims 4, 10, and 16 also provide for positioning the objects. Specifically, a defined range of the first object is coupled to a particular attachment point on the second object. In other words, the socket is stretchable because it allows a plug to be glued to the socket in various places instead of one place (see page 17, lines 2-7).

Dependent claims 5, 11, and 17 further provide for deleting the created socket when the plug on the first object is no longer proximate to the second object.

Dependent claims 6, 12, and 18 further provide for deleting the created socket when no plugs are attached to a created socket (see page 19, lines 16-17; page 21, lines 10-13).

## VI. ISSUES PRESENTED FOR REVIEW

Whether claim 5 is indefinite as an omnibus type claim.

Whether claims 1-18 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Arsenault et al.

## VII. GROUPING OF CLAIMS

The rejected claims do not stand or fall together. Each claim is independently patentable. Separate arguments for the patentability of each claim are provided below.

## VIII. ARGUMENTS

### A. Claim 5 Is Not Indefinite

The Office Action has rejected claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite in that fails to point out what is included or excluded by the claim language. Specifically, the Office Action provides that the claim is an omnibus type claim.

As recited in MPEP 2173.05(r) and *Ex-parte Fressola*, 27 USPQ2d 1608 at 1609-1611(Bd. Pat. App. & Inter. 1993), an omnibus claim is a claim that defines the invention entirely by reference to the specification and/or drawings. For example, the claim may refer back to the description and drawing such as "substantially as described" or "as herein shown and described".

Claim 5 provides "deleting the created socket when the plug of the first object is no longer proximate to the second object". As can clearly be seen by the language of claim 5, there is no reliance or reference back to the description or drawing in the claim. Instead, the claim adds the further limitation and step that the socket created in claim 1 is deleted when the first object is no longer proximate to the second object. Accordingly, Appellants submit that claim 5 is not indefinite and is not an omnibus type claim.

### B. The Independent Claims Are Patentable Over the Cited Art

In the Office Action mailed on July 2, 2003, the independent claims were rejected as follows:

As per independent claim 1, a method of display information . . . comprising: displaying a first object...; displaying a second object on the monitor; positioning the first object proximate to the second object...; changing an appearance of plugs by displaying plugs on the first object...; plugs indicate one or more respective attachment points...; dynamically creating a socket on the second

object...socket indicates an attachment point between the first object and the second object; and automatically coupling the second object to the first object at the attachment point. Arsenault discloses modeling shapes and solids with intelligence and that intelligent shape modeling may include parameters specifying how the shape is to interact with other shapes, how the snap into place with other shapes and maintaining a certain distance with other shapes, col. 3. Arsenault further discloses a plug and socket configuration for the bus. Arsenault also discloses a snap in and interlock capability, col. 4. and that components, such as reference geometry components that define secondary attachment point for attaching shapes together, col. 11, lines 20-67, can be added or removed between run time and are added at any time and that they can be shared between shapes, i.e. objects, col. 6, lines 34-50.

...  
As per independent claims 7 and 13 and dependent claims 8-12 and 4-18, they are rejected based upon similar rational as above independent claim 1 and dependent claims 2-6 respectively.

Appellants traverse the rejections in the Office Action for one or more of the following reasons:

- (1) Arsenault neither teaches, discloses or suggests changing an appearance of plugs on an object when the object is positioned proximate to another object;
- (2) Arsenault fails to teach, disclose or suggest dynamically creating a socket; and
- (3) Arsenault fails to teach, disclose or suggest creating a socket when a plug of a first object is placed proximate to a second object.

Arsenault completely fails to describe changing the appearance of plugs at a particular time. In the present invention, the change in appearance causes the plugs to be displayed depending on the position of an object with respect to another object. As claimed, the plugs on the first object are displayed when the object is positioned proximate to a second object. In Arsenault, such a dynamic change in the appearance of a plug is not even remotely suggested. In this regard, the Office Action also fails to identify such a teaching in Arsenault.

Further, Arsenault fails to dynamically create sockets. The prior art, including Arsenault merely describes the use of predefined anchor points. Arsenault describes many predefined properties that are established and represented in a constructed solid geometry (CSG). A computer stores the object/properties of a CSG in a tree (see col. 9, lines 30-38). Arsenault's properties include the capability for an object to "snap onto" another object when it is dragged nearby (see col. 9, lines 59-67). In this regard, a property of Arsenault may define a center of an object as an "anchor" (see col. 9, line 67-col. 10, line 2). However, while Arsenault describes the dynamic behavior of a shape, such dynamic behavior merely provides for the use of these properties on an

object dynamically. In this regard, the dynamic behavior is not used in the creation of a socket (as defined in the specification) on an object

Arsenault's properties are stored and described separately from this "dynamic" behavior (see col. 10, line 67-col. 11, line 11). As illustrated in col. 10, line 67-col. 11, line 11 of Arsenault, the "anchor" components and "attachment point components" are separately described while "other" components are specifically described as relating to "dynamic or static behavior of the shape". Further, Arsenault specifically provides that an "anchor" component is not changed (see col. 22, lines 11-13). Accordingly, Arsenault's dynamic behavior does not include the dynamic creation of a socket on an object.

In view of the above, Applicants submit that Arsenault lacks any discussion, implicit or explicit regarding the dynamic creation of a socket. As illustrated in FIGS. 4A and 4B of the present invention, without the use of a socket, there is no coupling of the two objects together. Examining FIG. 4B, without the socket, when the shape 406 without the socket is moved 401, the shape 400 that was intended to move with the shape 406 does not move with it. However, if the shape 406 has a socket 412, when the shape 406 is moved 416, the shape 400 that was intended to move with the shape 406 does move with it. Thus, a socket has a particular meaning as defined by the present specification and figures.

In Arsenault, there is no indication or use of a socket in this manner as claimed and defined in the present specification. In this regard, the mere indication of a position of a child shape (see col. 22, lines 6-10) is not equivalent to the creation of a socket. Nor is such an indication equivalent to creating a socket on the fly when a second shape is moved proximate to it.

Further, Arsenault fails to even remotely describe the creation of a socket when an object is moved proximately to another object. The timing aspect of when Arsenault's "attachment point" or "anchor point" is created is strictly limited to prior to object placement, wherein the properties are set forth in a CSG tree. In this regard, the dynamic behavior of an object and "snapping" together of objects are an entirely different concept from the dynamic creation of a socket which can then be used in the dynamic behavior of an object. Thus, the predefining of an "anchor point" does not render obvious the dynamic creation of a socket as claimed. Also, Arsenault does not describe the

creation of an "anchor" or "attachment point" when an object is move proximately to another object (as claimed).

Further, instead of teaching the above invention, Arsenault teaches away from Applicants' invention because it describes how anchor points do not change and are set forth in a CSG tree which are created prior to using an object.

The Office Action provides that Arsenault teaches deforming an "other shape" when a first shape comes close to the "other shape" at col. 4, lines 1-26. Such a teaching is relied upon to teach the dynamic behavior of a shape. However, as described above, while Arsenault may teach various dynamic shape behaviors, Arsenault does not provide for dynamically creating a socket. Col. 4, lines 1-26, provide for modifying the geometry of the shape such as drilling a hole into a shape or welding a block to another block (see col. 4, lines 5-8). However, as stated in the present specification (see page 19, lines 8-13), such an embodiment does not provide for the plug and socket like technology and attachment points as claimed. Instead, Arsenault's shape may not have a socket for the hole to attach to and the one block may not have a socket on the other block to attach to. Alternatively, sockets may be preexisting or be predefined on Arsenault's shape (for the hole to attach to) or on the block (for the other block to be welded to). In this regard, Arsenault fails to teach dynamically creating a socket on the fly that may be used to attach a plug to. The present invention provides for dynamically creating such sockets.

Furthermore, the creation of the socket occurs when the second object is moved proximate to the first object. Nowhere in Arsenault is there any indication that a socket is created on a first object based on the movement of another object towards it. In this regard, utilizing an existing socket is completely different from creating a socket. The final Office Action relies on col. 22, lines 1-16, to indicate an example of a sculpting shape where a user drops a shape onto another shape using a drag and drop technique. In the example, the position of the shape being dropped (i.e., the hole shape) is the position that was "hit" by the cursor (see col. 22, lines 6-10). However, while a shape may be positioned in a certain location, there is no creation of a socket on the selected shape (as currently claimed).

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Arsenault. In addition, Applicants' invention solves problems not recognized by Arsenault.

In response to the above arguments, the July 2, 2003, Office Action merely restated the rejections of the prior final Office Action and added the following:

and that components, such as reference geometry components that define secondary attachment point for attaching shapes together, col. 11, lines 20-67, can be added or removed between run time and are added at any time and that they can be shared between shapes, i.e. objects, col. 6, lines 34-50.

In addition, the July 2, 2003, Office Action stated that "applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection."

These additions fail to address many of the arguments provided above. Firstly, Arsenault (including the cited portions) fail to teach, disclose, or suggest, implicitly or explicitly, the changing in appearance of plugs as specifically claimed. This claim element was specifically added in the "Amendment Under 37 CFR 1.116" (after the Final Office Action) filed by Appellant on April 14, 2003. In response to the April 14 Amendment, an Advisory Action indicated further consideration and/or search would be required. Accordingly, Appellants filed a Request for Continued Examination (RCE) on May 12, 2003. The Office Action of July 2, 2003, which is appealed herein, was then mailed by the Patent Office. Nonetheless, the new Office Action still fails to address this claim element. In this regard, the claims specifically provide that the appearance of plugs are changed when the first object is positioned proximate to the second object. No such timing of when the appearance of plugs are changed is even remotely considered in Arsenault.

Secondly, Arsenault still fails to disclose, teach, or suggest the dynamic creation of a socket when the plug of the first object is placed proximate to the second object as claimed. These claims provide for (a) the use of a socket as defined in the specification, and (b) a timing element of when the socket is dynamically created. The use of a socket as defined in the specification and used herein is not contemplated by Arsenault as described above. Further, the socket is created when the plug of the first object is placed proximate to the second object.

To teach the dynamic timing element of these claim elements, the Office Action relies on column 6, lines 37-40, that provides components can be added at any time in response to user requests. Further, column 11, lines 30-42, were relied upon to teach that such components include



anchor components and reference geometry components that define secondary attachment points. As can be seen by these cited portions, Arsenault merely provides that anchor components and reference components may be added or removed at run time in response to user requests. However, anchor components and/or reference components are not equivalent to the claimed socket. Further, these portions do not provide, nor suggest, implicitly or explicitly, that a socket is created dynamically "when the first object is placed proximate to the second object" as claimed.

This timing element is particularly relevant to claims and the invention. This dynamic creation capability based on the movement and positioning of objects provides enhanced capabilities for the user. Without such capabilities, the user would be required (as in Arsenault) to manually create a socket to enable a desired coupling. In fact, the capabilities with and timing set forth in the claims are not even remotely contemplated by Arsenault.

In view the above, Appellants submit that the independent claims are patentable and not anticipated over Arsenault.

C. Dependent Claims 2, 8, and 14 Are Patentable Over the Cited Art

Dependent claims 2, 8, and 14 provide that the appearance of the second object changes when the types of plug on the first object does not match the type a socket on the second object (see page 17, lines 8-16). Thus, when there is a mismatch between the types of plugs and sockets on the two objects, the appearance of one of the objects may change.

The Office Action relies on column 16, lines 4-46, to teach these claims. In Arsenault, a variable context data block stores parameters/variables for a component (see col. 15, line 43-col. 16, line 3). The cited portions of Arsenault provide that an interface may be provided to a component to interact with the variable context data blocks. Further, the variable context data blocks may use "callbacks" to inform a component that a variable in the data block has been changed. As noted in the Office Action, the interface provided to the component may include interface definitions such as DetachContext (see col. 16, lines 27-34).

However, while such a teaching may be beneficial, it does not anticipate, disclose, teach, or suggest, implicitly or explicitly the claimed elements. Nowhere in the cited portion (or the remainder of Arsenault) is there any indication that an appearance of a displayed object may be

modified when there is a mismatch between the types of plugs and sockets (as claimed). Changing a variable and notifying a component of such a change is not even remotely similar to changing an appearance of a displayed object when a particular condition (i.e., a mismatch between types of plugs and sockets) appears.

Accordingly, Appellants submit that these claims are allowable over Arsenault.

D. Dependent Claims 3, 9, and 15 Are Not Separately Argued

E. Dependent Claims 4, 10, and 16 Are Patentable Over the Cited Art

As described above, dependent claims 4, 10, and 16 provide for positioning the objects. Specifically, a defined range of the first object is coupled to a particular attachment point on the second object. In other words, the socket is stretchable because it allows a plug to be glued to the socket in various places instead of one place (see page 17, lines 2-7).

To teach this claim element, the Office Action relies on column 9, lines 63-67. This portion of Arsenault provides:

For example, the intelligent properties 107A associated with disk 107 might, if desired, cause the disk to "snap onto" the end of cylinder 106A whenever the disk is "dragged" (using a graphical interface) into proximity with the cylinder.

Thus, as can be seen by the cited portion, Arsenault merely provides for a disk to snap onto a cylinder when the disk is dragged within proximity to cylinder. However, there is no disclosure, teaching, or suggestion, that the disk is attached to particular range on the cylinder (or vice versa). The claims are specific in that the attachment point of the second object is coupled to the first object upon a defined range of the first object. No such range is even contemplated in Arsenault.

Accordingly, appellants submit that these claims are allowable over Arsenault.

F. Dependent Claims 5, 6, 11, 12, 17 and 18 Are Patentable Over the Cited Art

As described above, dependent claims 5, 11, and 17 further provide for deleting the created socket when the plug on the first object is no longer proximate to the second object.

Similarly, dependent claims 6, 12, and 18 further provide for deleting the created socket when no plugs are attached to a created socket (see page 19 lines 16-17; page 21, lines 10-13).

Thus, all of these claims provide for a timing element regarding when a socket is removed/deleted.

For all of these claims, the Office Action relies on the "remove component" and "remove all component" function calls described in column 14, lines 36-67, to column 15, lines 1-27. While removing a component may be similar to removing/deleting a socket, the claims provide for removing/deleting the socket when the plug of the first object is no longer proximate to the second object and when no plugs are attached to the created socket. The cited portions of Arsenault (and the remainder of Arsenault) do not provide for such a timing element. There is not a mention or suggestion, implicit or explicit, within Arsenault, of when a socket is to be deleted. More specifically, Arsenault completely fails to address the deletion of a socket based on the movement of the second object away from the first object or based on when plugs are attached to a created socket.

In view the above, Appellants submit these claims are allowable over Arsenault.

**IX. Conclusion**

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

GATES & COOPER LLP

Attorneys for Applicant(s)

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Date: December 2, 2003

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JSF/mrj

G&C 30566.99-US-11

## APPENDIX

1. (PREVIOUSLY AMENDED) A method of displaying information on a monitor attached to a computer, comprising:
  - (a) displaying a first object on the monitor;
  - (b) displaying a second object on the monitor;
  - (c) positioning the first object proximate to the second object on the monitor;
  - (d) changing an appearance of plugs by displaying plugs on the first object when the first object is positioned proximate to the second object, wherein the plugs indicate one or more respective attachment points on the first object;
  - (e) dynamically creating a socket on the second object when the plug of the first object is placed proximate to the second object, wherein the socket indicates an attachment point between the first object and the second object; and
  - (f) automatically coupling the second object to the first object at the attachment point.
2. (PREVIOUSLY AMENDED) The method of claim 1, wherein an appearance of the displayed second object on the monitor is modified when a type of the plug on the first object does not match a type of the socket on the second object.
3. (ORIGINAL) The method of claim 1, wherein the step of automatically coupling further comprises the step of positioning the first object to align the plug of the first object to the created socket of the second object.
4. (ORIGINAL) The method of claim 1, wherein the step of automatically coupling further comprises the step of automatically coupling the attachment point of the second object to the first object along a defined range of the first object.
5. (ORIGINAL) The method of claim 1, further comprising deleting the created socket when the plug of the first object is no longer proximate to the second object.
6. (ORIGINAL) The method of claim 1, further comprising deleting the created socket when no plugs are attached to the created socket.

7. (PREVIOUSLY AMENDED) A computer-implemented apparatus for displaying information, comprising:

a computer having a monitor attached thereto, wherein the monitor displays a first object and a second object;

means for positioning the first object proximate to the second object on the monitor;

means for changing an appearance of plugs by displaying plugs on the first object when the first object is positioned proximate to the second object, wherein the plugs indicate one or more respective attachment points on the first object;

means for dynamically creating a socket on the second object when the plug of the first object is placed proximate to the second object, wherein the socket indicates an attachment point between the first object and the second object; and

means for automatically coupling the second object to the first object at the attachment point.

8. (PREVIOUSLY AMENDED) The apparatus of claim 7, wherein an appearance of the displayed second object on the monitor is modified when a type of the plug on the first object does not match a type of the socket on the second object.

9. (ORIGINAL) The apparatus of claim 7, wherein the step of automatically coupling further comprises the step of positioning the first object to align the plug of the first object to the created socket of the second object.

10. (ORIGINAL) The apparatus of claim 7, wherein the step of automatically coupling further comprises the step of automatically coupling the attachment point of the second object to the first object along a defined range of the first object.

11. (ORIGINAL) The apparatus of claim 7, further comprising deleting the created socket when the plug of the first object is no longer proximate to the second object.

12. (ORIGINAL) The apparatus of claim 7, further comprising deleting the created socket when no plugs are attached to the created socket.

13. (PREVIOUSLY AMENDED) An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps of displaying information on a monitor attached to the computer, the method comprising the steps of:

- (a) displaying a first object on the monitor;
- (b) displaying a second object on the monitor;
- (c) positioning the first object proximate to the second object on the monitor;
- (d) changing an appearance of plugs by displaying plugs on the first object when the first object is positioned proximate to the second object, wherein the plugs indicate one or more respective attachment points on the first object;
- (e) dynamically creating a socket on the second object when the plug of the first object is placed proximate to the second object, wherein the sockets indicates an attachment point between the first object and the second object; and
- (f) automatically coupling the second object to the first object at the attachment point.

14. (PREVIOUSLY AMENDED) The article of manufacture of claim 13, wherein an appearance of the displayed second object on the monitor is modified when a type of the plug on the first object does not match a type of the socket on the second object.

15. (ORIGINAL) The article of manufacture of claim 13, wherein the step of automatically coupling further comprises the step of positioning the first object to align the plug of the first object to the created socket of the second object.

16. (ORIGINAL) The article of manufacture of claim 13, wherein the step of automatically coupling further comprises the step of automatically coupling the attachment point of the second object to the first object along a defined range of the first object.

17. (ORIGINAL) The article of manufacture of claim 13, further comprising deleting the created socket when the plug of the first object is no longer proximate to the second object.

18. (ORIGINAL) The article of manufacture of claim 13, further comprising deleting the created socket when no plugs are attached to the created socket.

Due Date: December 2, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William J. Dhimitri et al. Examiner: Motilewa Good Johnson  
Serial No.: 09/589,049 Group Art Unit: 2672  
Filed: June 6, 2000 Docket: G&C 30566.99-US-II  
APPEAL NO.: \_\_\_\_\_  
Title: DYNAMIC POSITIONING AND ALIGNMENT AIDS FOR SHAPE OBJECTS

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*Jason S. Feldmar*  
By: \_\_\_\_\_  
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Claims Remaining:	Highest Number Previously Paid For:	Number Extra	Rate	Fee
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18	18	0	x \$18.00	= \$0.00
Independent Claims				
3	3	0	x \$86.00	= \$0.00
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Applicant:	David W. Arsenault et al.
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Serial No.:	<del>09/662,441</del> 09/589,049
Filed:	September 14, 2000
Group Art Unit:	2672
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